

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TED KNOX,

Plaintiff,

v.

Case No. 05-cv-114-JPG

MARVIN POWERS, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on two Reports and Recommendation (Docs. 130 & 134) of Magistrate Judge Philip M. Frazier. The Report and Recommendation of May 24, 2007 (Doc. 130) recommends that the Court deny defendant Knapp's motion to dismiss (Doc. 101) for lack of service. The Report and Recommendation of June 5, 2007 (Doc. 134) recommends that the Court dismiss with prejudice the plaintiff's claims against defendant Marilyn Jane Simmons, whose death has been suggested on the record.

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjectionated portions for clear error." *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to either Report. The Court has reviewed the entire file and finds that the Reports are not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Reports in their entirety (Docs. 130 & 134), **DISMISSES** the claims in this case against defendant Marilyn Jane Simmons, who is terminated as a party in this case, and **DIRECTS** the

Clerk of Court to enter judgment accordingly at the close of the case.

The Court further notes that the remaining parties have filed consent forms authorizing a full-time United States Magistrate Judge to conduct all proceedings herein. The Court therefore **ORDERS** that this case be referred to United States Magistrate Judge Philip M. Frazier to conduct further proceedings and to enter judgment in accordance with the foregoing consents. Nothing shall be deemed to preclude any duly appointed and qualified District Judge of this Court from conducting any and all proceedings, including trial of the above-designated case.

IT IS SO ORDERED.

DATED: June 25, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE